

PS 8
(Rev. 5/02 WVN)

UNITED STATES DISTRICT COURT
for the
Northern District of West Virginia

U.S.A. vs. Charles Edward Shugars

Docket No.: 1:22CR57-4

Amended Petition for Action on Conditions of Pretrial Release

COMES NOW AUSTIN BROOKS, U. S. PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Charles Edward Shugars, who was placed under pretrial release supervision by the Honorable Michael John Alois, United States Magistrate Judge, sitting in the Court at Clarksburg, West Virginia, on September 21, 2022, under the following conditions.

See attached Order Setting Conditions of Release

Respectfully presenting petition for action of court for cause as follows:
(If short insert here; if lengthy write on separate sheet and attach.)

<u>Violation Number</u>	<u>Nature of Non-Compliance</u>
1.	<u>Violation of Condition No. 7(m): The defendant must not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a medical practitioner.</u>
2.	<u>Violation of Condition No. 7(s): The defendant must not purchase, possess, or use any paraphernalia related to any controlled substance.</u>

On January 12, 2023, the defendant reported to the United States Probation Office in Clarksburg, West Virginia. During the office contact, the defendant provided a urine sample that tested positive for fentanyl. The defendant denied any use of illicit controlled substances. The specimen was sent to Alere Toxicology for confirmation.

On January 20, 2023, Alere Toxicology confirmed the presence of fentanyl in the submitted urine specimen. (See attached laboratory results.)

PS8

PS8 Petition for Action on Conditions of Pretrial Release

PETITIONING THE COURT

- To issue a warrant
- To issue a summons
- Neither

Previous Reports Submitted:

1. On November 3, 2022, a Petition for Action was submitted to the Court advising that the defendant had used an illicit controlled substance, possessed paraphernalia related to a controlled substance, possessed a weapon, and failed to notify his supervising officer before making a change in residence. The defendant was admonished for the noncompliance and counseled about further noncompliance while on bond supervision. Court action was not recommended, and the Court concurred.
2. On November 21, 2022, a Petition for Action was submitted to the Court advising that the defendant had used an illicit controlled substance, possessed paraphernalia related to a controlled substance, failed to report law enforcement contact to his supervising officer, and failed to report for supervision as directed by his supervising officer. The defendant was admonished for his noncompliance and referred to My Hope for Tomorrow in Point Pleasant, West Virginia.

U. S. Pretrial Services Officer Recommendation:

Court action is recommended at this time. After the defendant's second positive drug screen, he was referred to My Hope for Tomorrow in Point Pleasant, West Virginia. On November 17, 2022, the defendant reported to the facility and was admitted for detoxification and inpatient substance abuse treatment. On December 16, 2022, the defendant successfully completed the 28-day residential Substance Use Disorder Treatment program at My Hope for Tomorrow. The defendant was given the opportunity to address his substance abuse via inpatient treatment yet continues to possess and use illicit controlled substances while on pre-trial release. Despite this, he continues to engage in criminal behavior and violate his conditions of bond. It appears the defendant is unwilling to comply with the terms and conditions of release. It is respectfully recommended that the defendant be brought before the Court to show cause as to why his bond should not be revoked.

The term of supervision should be:

Revoked

No action taken at this time

The conditions of supervision should be modified as follows:



Respectfully,

Austin Brooks
U. S. Pretrial Services Officer
Place: Clarksburg, West Virginia
Date: 1/26/2023

THE COURT ORDERS

- No action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

ORDER OF COURT

Considered and ordered this 27 day of January, 2023 and ordered filed and made a part of the records in the above case.

U. S. District Judge/Magistrate

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 1:22-CR-57-4
(JUDGE KLEEH)

CHARLES EDWARD SHUGARS,

Defendant.

ORDER SETTING CONDITIONS OF RELEASE

It is ORDERED that the defendant's release is subject to these conditions.

C.S (1) The defendant must not violate federal, state or local law while on release.

C.S (2) The defendant must cooperate with the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.

C.S (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of a residence or telephone number.

C.S (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: 500 West Pike Street, Clarksburg, West Virginia
(place)

Arraignment on September 26, 2022 at 9:30 AM by Zoom videoconference/teleconference
(date and time)

AS ORDERED by the Magistrate or District Judge

C.P (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

Person or organization _____

220 Bern Run Rd.
Flamingo, WV
26347

Address (only if above is an organization) _____

City and State _____ Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____ Date _____
Custodian

() (7) The defendant shall:

(x) (a) submit to supervision by and report for supervision to United States Probation, 320 West Pike Street, Clarksburg, West Virginia, telephone 304-624-5504 no later than _____ and anytime thereafter as directed by the Probation Office.

C.S. (x) (b) continue or actively seek employment.

() (c) continue or start an education program.

C.S. (x) (d) surrender any passport to US Probation Office, Northern District of West Virginia.

C.S. (x) (e) not obtain a passport or other international travel document.

C.S. (x) (f) abide by the following restrictions on personal association, residence or travel: may not travel outside of the Northern District of West Virginia without advance written approval from United States Probation _____.

(other)

C.S. (x) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution including: anyone who is named in the indictment/information against you unless that person is your spouse, child, parent or sibling.

() (h) get medical or psychiatric treatment: _____

() (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes _____.

() (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

C.S. (x) (k) not possess a firearm, destructive device, or other weapon.

C.S. (x) (l) not consume alcohol.

C.S. (x) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a medical practitioner.

C.S. (x) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

C.S. (x) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

() (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) **Curfew.** You are restricted to your residence everyday from _____ to _____ or as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

() (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

() You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

~~C~~ (x) (r) report as soon as possible to the pretrial services office or supervising officer every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

~~C~~ (x) (s) not purchase, possess or use any paraphernalia related to any controlled substance.

~~C~~ (x) (t) not purchase, possess or consume any organic or synthetic intoxicants, including bath salts, synthetic cannabinoids or other designer stimulants, and shall not frequent places that sell or distribute synthetic cannabinoids or designer stimulants.

~~C~~ (x) (u) not abuse prescription medication.

~~C~~ (x) (v) shall be prohibited from possessing a potentially vicious/dangerous animal or residing with anyone who possesses a potentially vicious animal. The Probation Officer has sole authority to determine what animals are considered to be potentially vicious/dangerous.

~~C~~ (x) (w) participate in a program of mental health counseling if directed by the pretrial services office or supervising officer.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;

(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;

(3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than two years, or both;

(4) a misdemeanor, you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

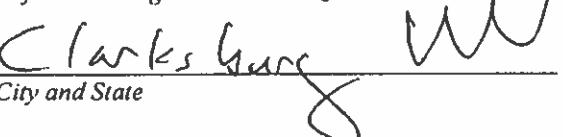
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature



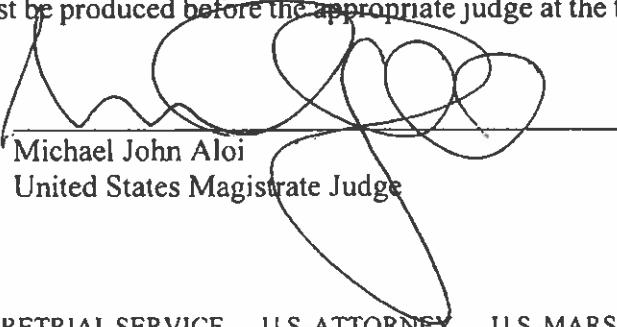
City and State

Directions to the United States Marshal

The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 9.21.2022



Michael John Aloi
United States Magistrate Judge

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



DRUG TEST REPORT

Alere Toxicology Services, Inc.
450 Southlake Blvd
Richmond, VA 23236
(800) 433-3823
FAX: (804) 379-5919

WEST VIRGINIA NORTHERN PRETRIAL-CLARKSBURG
BEN AHMED
320 W PIKE STREET, STE 110
CLARKSBURG, WV 26301

Facility Phone: 304-624-5504 Fax: 000-000-0000

Account Number: 042400005
Div. Office Number: 042400015
National Lab Number: 127980169
Specimen ID Number: B04464396
Specimen Type: URINE

Collection Site Number: 04240001S

PACTS Number: 8114061

Collection Site Name: WEST VIRGINIA NORTHERN PRETRIAL-CLARKSBURG

Onsite Test ID:

Collection Site Address: 320 W PIKE STREET, STE 110

Case Officer Initials: AJR

Collection Site City, State Zip: CLARKSBURG, WV 26301

Collector Name

Collection Site Phone: 304-624-5504

AUSTIN BROOKS

Collection Site Fax: 000-000-0000

Donor Name/ID: SHUDDERS

Date Collected: 01/13/23

Reason for Drug Test: Urine Surveillance

Date Received: 01/14/23

Date Reported: 01/20/23

Panel Description: FENTANYL CONF CLIN 1098

Drug Test Result Drug/Remark

Quantitative Value

POSITIVE NORFENTANYL

Confirmation Method: GC/MS and/or LC-MS/MS

The following drugs and/or drug classes were tested at the indicated threshold (cut-off) levels:

<u>Description</u>	<u>Screening Level</u>	<u>Confirmation Level</u>	<u>Result</u>
FENTANYL		0.5 NG/ML	POSITIVE
<u>Validity Test</u>	<u>Result</u>	<u>Normal Range</u>	
CREATININE	NORMAL	> 20 mg/dL	
SPECIFIC GRAVITY	NORMAL	= or > 1.0030 - < 1.0450	
pH	NORMAL	= or > 4.0 - < 10	

Comments Multiple reports are being issued on this specimen with Lab Numbers :127980168,127980169.

AUSTIN BROOKS

SEAN CUNNINGHAM - CERTIFYING TECHNICIAN/SCIENTIST

COLLECTOR NAME